HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.16660 OF 1998

DATE:10.04.2006

Between:

M.Arunamma

..... PETITIONER

AND

The Mandal Revenue Officer,

Ibrahimpatnam Mandal, R.R. District

And two others.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.16660 OF 1998

ORDER:

In spite of posting the matter under the caption of dismissal, none appeared on behalf of the petitioner. Heard the learned Government Pleader for Civil Supplies.

The case of the petitioner, who is the fair price shop dealer of Eliminedu village, is that during the Janmabhoomi works, some of the villagers gave false complaints against her to the respondent-authorities, as a result of which, the first respondent refused to release the essential commodities for the month of May, 1998 though the petitioner had submitted a demand draft. Further, the first respondent passed orders in F/896/98, dated 15.5.1998 directing one Anjaiah, UDRI, Ibrahimpatnam to lift the commodities for the month of May, 1998 and distribute the same to the cardholders. Aggrieved by that, the petitioner filed the present writ petition seeking a direction to the respondents to permit the petitioner to lift the quota of essential commodities as usual by accepting the demand draft, and issue the release orders for enabling her to distribute the commodities to the cardholders.

One P. Jangaiah, who got impleaded as third respondent in W.P.M.P.No.26291 of 1998, filed his counter affidavit stating that earlier he was the fair price shop dealer of Eliminedu village and his authorization was cancelled in the

year 1995 on the allegation that he had diverted 20 quintals of rice into block market clandestinely and a case under Section 6-A of the Essential Commodities Act (for short 'the Act') was also registered against him, which was numbered as S.T.C.No.13 of 1995 on the file of Special Judge for trial of Cases under Essential Commodities Act-cum-III Additional Metropolitan Sessions Judge, Hyderabad. The learned Sessions Judge after conducting the trial, acquitted the third respondent from the charges levelled, holding that he is not guilty of the charges under Clause 4 of the A.P. Schedule Commodities (R.D.C.S.) Order, 1973 r/w Section 7 of the Act. In view of the acquittal, the third respondent filed a petition on 1.6.1998 before the District Collector requesting for restoration of his authorization as a fair price shop dealer and the District Collector, in turn, through his letter, dated 17.6.1998 requested the Revenue Divisional Officer to take action for restoration/appointment of the third respondent as a fair price shop dealer. Accordingly, the Revenue Divisional Officer directed him to produce all the necessary documents for issuing necessary orders of authorization/restoration. At this stage, the present writ petition is filed by the petitioner.

It is well settled that a temporary dealer, who was appointed on cancellation of authorisation of the earlier dealer, cannot acquire any right to seek for continuation of his authorization. Since the regular fair price shop dealer i.e. the third respondent is now acquitted of the charges levelled, he is definitely entitled to seek for restoration of the fair price shop dealership. In view of the same, the writ petition, as has been filed, is misconceived and cannot be entertained.

Accordingly, the Writ Petition is dismissed. The Revenue Divisional Officer is directed to pass appropriate orders, if not already passed, as directed by the District Collector in his letter dated 17.6.1998, in the light of the documents presented by the third respondent, within a period of four weeks from the date of receipt of a copy of this order, after duly complying with the necessary formalities. No costs.

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A. GOPAL REDDY, J

10th APRIL, 2006.

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